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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,272	02/06/2002	Gabriel Daemon Engel		7736

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EXAMINER
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NGUYEN, KEVIN M

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/049,272	<b>Applicant(s)</b> ENGEL ET AL.	
	<b>Examiner</b> Kevin M. Nguyen	<b>Art Unit</b> 2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2,3,6-8,10,11,14-18 and 22-83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3,6-8,10,11,14-18 and 22-83 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/28/2004 has been entered. An action on the RCE follows:

### ***Claim Objections***

2. Claim 49 is objected to because of misnumbered (claim 48 is duplicated). For the purpose of the rejection, claim 48 at page 7, line 1 is supposed to be claim 49. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Independent claims 22, 53, 38, 69, dependent claims 2, 3, 6-8, 10, 11, 14-18, 23-37, 39-52, 54-68 and 70-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeStefano (previously cited, US 6,075,531) in view of Jaaskelainen, Jr. (newly cited, US 5,835,088) hereinafter Jaaskelainen.

4. As to independent claims 22 and 53, DeStefano teaches a visual display system associated with a method, the visual display system comprising no other windows overlap windows 210 and 220 (spaced physically apart windows as claimed, fig. 10, col. 13, lines 46-47), each window defines a two dimensional plane, a visual indicator (cursor 200, fig. 10), an input device (a pointing device 26, figure 1).

Accordingly, DeStefano teaches all of the limitations of claims 22 and 53, except for an input device for moving the visual indicator off the 2-dimensional plane of one of the plurality of screens and onto another one of the plurality of screens.

However, Jaaskelainen teaches a related visual display system comprising the movement of pointer device 133 (the visual indicator) from window 212 to window 214 via the process depicted in Fig. 3 causes a significant visible change in the appearance of the screen (see col. 7, lines 31-34).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the teaching of Jaaskelainen, movement of pointer device 133 from window 212 to window 214 for DeStefano's visual display indicator, because this would provide a way for a user to position between a chosen subset of windows on a display screen by using the keyboard as a quick-shifting mechanism instead of the more tedious method of rolling and positioning the mouse pointer as taught by Jaaskelainen (col. 7, lines 54-57).

5. As to independent claims 38 and 69, DeStefano teaches a visual display system associated with a method, the visual display system comprising a visual display system associated with a method, the visual display system comprising no other windows

overlap windows 210 and 220 (spaced physically apart windows as claimed, fig. 10, col. 13, lines 46-47), each window defines a two dimensional plane, a visual indicator (cursor 200, fig. 10), an input device (a pointing device 26, figure 1).

Accordingly, DeStefano teaches all of the limitations of claims 38 and 69, except for an input device for moving the visual indicator off the 2-dimensional plane of one of the plurality of screens and onto another one of the plurality of screens.

However, Jaaskelainen teaches a related computer system comprising the movement of pointer device 133 (the visual indicator) from window 212 to window 214 via the process depicted in Fig. 3 causes a significant visible change in the appearance of the screen (see col. 7, lines 31-34).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the teaching of Jaaskelainen, movement of pointer device 133 from window 212 to window 214 for DeStefano's visual display indicator, because this would provide a way for a user to position between a chosen subset of windows on a display screen by using the keyboard as a quick-shifting mechanism instead of the more tedious method of rolling and positioning the mouse pointer as taught by Jaaskelainen (col. 7, lines 54-57).

The combination of DeStefano and Jaaskelainen teaches all the subject matter claimed except for the use of software supplemental to software drivers of the input device.

However, Jaaskelainen teaches the movement of pointer device 133 (the visual indicator) from window 212 to window 214 via the process depicted in Fig. 3 causes a

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significant visible change in the appearance of the screen (the software as claimed, see col. 7, lines 31-34). It may be realized by using hardware and by using the software on the computer are logically equivalent. Moreover, those skilled in the computer art it is obvious that such an implementation can be expressed in terms of either computer program (software) or a computer circuitry (hardware) implementation, the two being functional equivalent of one another. See In re Ruff, 256 F. 2d 590, 118 USPQ 340, 343 (CCPA 1958).

6. As to claims 2, 10, 27-30, 43-46, 58-61, 74-77, Jaaskelainen teaches the pointing device 133 as a cursor (fig. 4).

7. As to claims 3, 11, 25, 41, 56, 72, Jaaskelainen teaches the input device as a mouse 18 (fig. 1).

8. As to claims 23, 39, 54, 70, Jaaskelainen teaches the mouse 18 (fig. 1) as a user selectable input.

9. As to claim 26, 42, 57, 73, Jaaskelainen teaches a user can conveniently select utilizing graphical pointer 133 by double-clicking the left button of mouse 18 (col. 6, lines 59-61).

10. As to claims 6, 14, 36, 51, 67, 82, Jaaskelainen teaches the movement of pointer device 133 (the visual indicator) from window 212 to window 214 via the process depicted in Fig. 3 causes a significant visible change in the appearance of the screen. Window 214 has been made to appear to be in the forefront of window 212 (see col. 7, lines 31-35). Thus, the visual indicator (cursor 133) moves to a different z-axis

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coordinate (virtual z-axis) but the same windows (same X and Y coordinates) as claimed.

11. As to claims 8, 16, 31-33, 34, 47-50, 62-65, 78-81, Jaaskelainen teaches window 214 has been made to appear to be in the forefront of window 212 (see col. 7, lines 31-35). Thus, window 214 (a screen image as claimed) is a visual indicator as claimed.

12. As to claims 35, 66, the combination of DeStefano and Jaaskelainen teaches all the subject matter claimed except for the use of software supplemental to software drivers of the input device.

However, Jaaskelainen teaches the movement of pointer device 133 (the visual indicator) from window 212 to window 214 via the process depicted in Fig. 3 causes a significant visible change in the appearance of the screen (the software as claimed, see col. 7, lines 31-34). It may be realized by using hardware and by using the software on the computer are logically equivalent. Moreover, those skilled in the computer art it is obvious that such an implementation can be expressed in terms of either computer program (software) or a computer circuitry (hardware) implementation, the two being functional equivalent of one another. See In re Ruff, 256 F. 2d 590, 118 USPQ 340, 343 (CCPA 1958).

13. As to claims 7, 15, 37, 52, 68, 83, DeStefano teaches a related visual display system associated with a method comprising the movement of the visual indicator (425) from one screen (420) to another screen (420') gives the appearance of providing a visual bridge between the screens (420, 420') (fig. 21, col. 18, lines 25-32).

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14. As to claims 17, 18, 40, 55, 71, DeStefano teaches the input device is a pen (column 5, line 32).

### ***Response to Arguments***

15. Applicant's arguments with respect to claims 2, 3, 6-8, 10, 11, 14-18 and 22-83 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 8:00-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the Patent Application Information Retrieval system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).




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KMN  
July 10, 2005



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